

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NICHOLE WALKINSHAW, et al.,

Plaintiffs,

v.

**COMMONSPIRIT HEALTH f/k/a
CATHOLIC HEALTH INITIATIVES,
CHI NEBRASKA d/b/a CHI HEALTH,
and SAINT ELIZABETH REGIONAL
MEDICAL CENTER,**

Defendants.

Case No. 4:19-cv-03012-BCB-SMB

**STIPULATED MOTION TO EXTEND DEADLINE FOR FILING
MOTION FOR PRELIMINARY APPROVAL AND STAY OF LITIGATION**

Pursuant to Local Rules 7.3 and 29.1, the Parties, by and through their undersigned counsel, hereby move this Court to extend the deadline for the stay of litigation as set forth below. In support of this Motion, the Parties state as follows:

1. After a full day of mediation on April 11, 2022 before Magistrate Judge Cheryl Zwart, Plaintiffs and Defendants (collectively “the Parties”) reached an agreement in principle to resolve the case. Doc. # 306.

2. As set forth in the Parties’ Stipulated Motion to Extend Deadline for Filing Motion for Preliminary Approval filed on July 27, 2022, the Parties have been working diligently to finalize the settlement. Doc. # 312 at 1-2; Doc. # 314 at 1-2

3. Between July 27, 2022 and August 24, 2022, the Parties had resolved and narrowed many of the outstanding issues regarding the settlement agreement, but there remained several outstanding issues that still needed to be resolved before a full settlement agreement could be finalized and executed. As a result, the Parties sought an extension of the then-August 25, 2022 deadline for filing a motion for preliminary approval of the settlement and the stay of

litigation to September 21, 2022. Doc. # 314 at 2-3. The Court granted the stipulated motion and extended the deadline for filing the motion to September 21, 2022 and continued the litigation stay until the same date (if no settlement agreement is filed by that date) or until the Court issues a decision on the motion for preliminary approval. Doc. # 315.

4. Since August 25, 2022, the Parties have continued to work diligently to finalize the settlement. By September 20, 2022, counsel for the Parties had approved the form of all the necessary documents: (a) the Class Action and Collective Action Settlement Agreement; (b) Plaintiffs' Motion for Class Certification and Preliminary Approval of Settlement (and the supporting brief); (c) a Proposed Order on Preliminary Approval; (d) the Class Action Settlement Notice; and (e) the Claim Form.

5. By September 20, 2022, all named Plaintiffs had signed the Settlement Agreement.

6. Defendants' counsel needs additional time for their clients to review and sign the Settlement Agreement and to have them review Plaintiffs' Motion for Class Certification and Preliminary Approval of Settlement (and brief in support), the Proposed Order on Preliminary Approval, the Class Action Settlement Notice, and the Claim Form.

7. As Plaintiffs cannot file a Motion for Preliminary Approval of Settlement until the Settlement Agreement is signed, the Parties agree that the current deadline for filing the motion and the current stay of litigation should be extended—except for proceedings in connection with finalizing the settlement agreement and the Motion for Preliminary Approval—to September 27, 2022. This is made in good faith and not to cause undue delay.

8. Pursuant to Local Rule 7.2, a proposed order approving the requested extension of the deadline for filing a motion for preliminary approval and the litigation stay is being submitted to chambers via electronic mail.

WHEREFORE, the Parties respectfully move this Court for an order extending the deadline for filing a motion for preliminary approval and the litigation stay to September 27, 2022 (if no settlement agreement is filed by that date) or until the Court issues a decision on the motion for preliminary approval.

Pursuant to Local Rule 11.1(a)(3), Filer Vincent Cheng represents that all other signatories on whose behalf this filing is submitted consent on this content and filing.

Dated: September 21, 2022

Respectfully Submitted,

On Behalf of Plaintiffs:

On Behalf of Defendants:

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CERTIFICATE OF SERVICE

I, Ming Siegel, hereby certify that on September 21, 2022, a true and correct copy of the above and foregoing **STIPULATED MOTION TO EXTEND DEADLINE FOR FILING MOTION FOR PRELIMINARY APPROVAL AND STAY OF LITIGATION** was electronically filed with the Clerk of the Court by using the CM/ECF system, which sends notice to the following counsel of record:

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